

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB APC 19-02 Implementing the 2019-2020 General Appropriations Act

SPONSOR(S): Appropriations Committee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Appropriations Committee		Kramer	Pridgeon

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2019-2020. The statutory changes are effective for only one year and either expire on July 1, 2020 or revert to the language as it existed before the changes made by the bill.

Because this bill implements provisions of the General Appropriations Act for Fiscal Year 2019-2020, there are no direct fiscal impacts created by this bill.

The bill is effective July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

Section 12 of Article III of the Florida Constitution states that “[l]aws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject”. This language has been interpreted to defeat proviso language attached to appropriations that have the effect of amending general law. For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the appropriations act instead of in the GAA. The changes made in the “implementing bill” are effective for only one year and either expire on July 1 of the next fiscal year or revert to the language as it existed before the changes made by the bill.

Provisions of the bill:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2019-2020.

Section 2 incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 93.

Section 4 authorizes the Board of Governors to submit a budget amendment subject to the notice, review, and objection procedures of s. 216.177, F.S. to transfer “lottery” funds from Specific Appropriation 12 to appropriate expenditure categories.

Section 5 provides that the calculations of the Medicaid Disproportionate Share Hospital program for the 2019-2020 fiscal year contained in the document titled “Medicaid Hospital Funding Program,” dated March 21, 2019, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Disproportionate Share Hospital and hospital reimbursement program.

Section 6 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children’s Medical Services (CMS) Network for the implementation of Statewide Medicaid Managed Care, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 7 provides direction to the Agency for Persons with Disabilities for setting iBudget amounts for clients receiving Home and Community-Based Waiver services. It also provides parameters under which a client’s iBudget amount may be increased.

Section 8 amends s. 409.911, F.S., to provide that, for the 2019-2020 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the General Appropriations Act for Fiscal Year 2019-2020.

Section 9 amends s. 409.9113, F.S., to provide that, for the 2019-2020 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, as provided in the General Appropriations Act for Fiscal Year 2019-2020.

Section 10 amends s. 409.9119, F.S., to provide, that, for the 2019-2020 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the General Appropriations Act for Fiscal Year 2019-2020.

Section 11 allows AHCA to submit a budget amendment to realign funding within the Medicaid program appropriation categories, to address any projected surpluses and deficits and maximize use of trust funds. A single budget amendment must be submitted in the last quarter of the 2019-2020 fiscal year only.

Section 12 provides authorization for AHCA to submit a budget amendment pursuant to the notice, review and objection provisions of s. 216.177, F.S. to realign funding within the Florida Kidcare program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds.

Section 13 authorizes the Department of Children and Families (DCF) to submit a budget amendment pursuant to the notice, review and objection provisions of s. 216.177, F.S. to realign funding within the department based on the implementation of the Guardianship Assistance Program established in s. 39.6225, F.S. between the relative caregiver program appropriation categories, including nonrelatives, established in s. 39.5085, F.S., the Guardianship Assistance Program appropriation categories, and to realign funding within the Family Safety Program appropriation categories to maximize use of federal funds.

Section 14 provides that notwithstanding s. 409.911, F.S., DCF shall submit a budget amendment pursuant to s. 216.177, F.S. to allocate the funds appropriated to the Guardianship Assistance Program established in s. 39.6225, F.S., including Level 1 foster care board payments and guardianship assistant payments.

Section 15 amends section 296.37, F.S., to maintain the increase in the personal needs allowance from \$105 to \$130 for residents of Department of Veterans' Affairs nursing facilities.

Section 16 provides DOH the authority to submit a budget amendment, subject to the notice, review and objection provisions of s. 216.177, F.S. to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available in the 2019-2020 fiscal year.

Section 17 provides DCF the authority to submit a budget amendment, subject to the notice, review and objection provisions of s. 216.177, F.S. to increase budget authority for the Supplemental Nutrition Assistance Program if additional federal revenues become available in the 2019-2020 fiscal year.

Section 18 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2019-2020 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts from February 22, 2019. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to Legislative Budget Commission review and approval.

Section 19 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 20 amends s. 27.5304, F.S., to increase, for the 2019-2020 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases.

Section 21 requires clerks to pay costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed funding in the General Appropriations Act for these purposes.

Section 22 amends s. 318.18, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 23 provides that the amendment to s. 318.18, F.S., expires July 1, 2020.

Section 24 amends s. 817.568, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 25 provides that the amendment to s. 817.568, F.S., expires July 1, 2020.

Section 26 permits a Supreme Court justice who resides outside of Leon County to designate an official headquarters in the district in which he or she resides. The justice is eligible to receive subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court (Leon County) to conduct court business. In addition, the justice is eligible for reimbursement of travel expenses for travel between the justice's official headquarters and the headquarters of the Supreme Court.

Section 27 provides that notwithstanding the provisions of s. 29.015, F.S., funds appropriated to the state attorneys and public defenders for due process expenditures shall be appropriated to the Justice Administrative Commission.

Section 28 provides the Department of Legal Affairs the authority to submit a budget amendment, subject to the notice, review and objection provisions of s. 216.177, F.S. to increase budget authority for the Federal Grants Trust Fund or the Crimes Compensation Trust Fund if additional revenues become available in the 2019-2020 fiscal year and additional budget authority is necessary to make disbursements.

Section 29 provides that the total combined budgets of the clerks of the court for the county fiscal year beginning October 1, 2019 may not exceed the revenue estimates established by the most recent Revenue Estimating Conference plus appropriations made for the purpose of funding clerk court-related functions.

Section 30 requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring before June 30, 2022.

Section 31 continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., at 0.7 percent for the 2019-2020 fiscal year only.

Section 32 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 33 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category "Data Processing Assessment - Agency for State Technology" between agencies, in order to align the budget authority granted with the Agency for State Technology estimated billing cycle and methodology.

Section 34 authorizes the EOG to transfer funds in the appropriation category “Special Categories-Risk Management Insurance” between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 35 authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased Per Statewide Contract” of the General Appropriations Act for Fiscal Year 2019-2020 between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 36 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions.

Section 37 directs executive branch state agencies and the judicial branch to collaborate with the EOG and the DMS to implement and utilize the statewide travel management system.

Section 38 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the DEP for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be identified specifically.

Section 39 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the Florida Constitution. This transfer is a temporary loan, and the funds must be repaid to the trust funds from which the moneys are loaned by the end of the 2019-2020 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds.

Section 40 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 41 amends s. 375.041, F.S., to reduce funding from the Land Acquisition Trust Fund for restoration of Lake Apopka for the 2019-2020 fiscal year.

Sections 42 reenacts s. 373.470, F.S. to amend match requirements of the South Florida Water Management District (SFWMD) for Everglades Restoration funded from the Save Our Everglades Trust Fund. This section will require the match from SFWMD for Everglades Restoration to be funded from the Land Acquisition Trust Fund.

Section 43 provides that the amendment of s. 373.470, F.S., expires July 1, 2020, and shall revert to that in existence on June 30, 2017.

Section 44 amends s. 216.181, F.S. to authorize the Legislative Budget Commission to increase amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects. The increase is authorized for funds provided to the state from the Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen.

Section 45 provides the Department of Agriculture and Consumer Services the authority to submit a budget amendment, subject to the notice, review and objection provisions of s. 216.177, F.S. to increase budget authority for the National School Lunch Program when necessary due to an increase in the number of school meals expected to be served.

Section 46 amends s. 420.9079, F.S., relating to the Local Government Housing Trust Fund, to allow funds to be used as provided in the GAA for the 2019-2020 fiscal year.

Section 47 amends s. 420.0005, F.S., relating to the State Housing Trust Fund, to allow funds to be used as provided in the GAA for the 2019-2020 fiscal year.

Section 48 creates the Hurricane Housing Recovery Program to provide funds to local governments for affordable housing recovery efforts, similar to the State Housing Initiatives Partnership Program. The Florida Housing Finance Corporation will administer the program and allocate resources to local governments according to a need-based formula that reflect housing damage estimates and population impacts resulting from Hurricane Michael. The section also creates the Rental Recovery Loan Program to provide funds to build additional rental housing due to the impacts to the affordable housing stock and changes to population resulting from Hurricane Michael.

Section 49 amends s. 288.0655, F.S. relating to the Rural Infrastructure Fund to provide that funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2314 of the 2019-2020 GAA.

Section 50 amends s. 321.04, F.S., to provide that upon request of Governor, the Department of Highway Safety & Motor Vehicles shall assign one or more patrol officers to the office of the Lieutenant Governor for security services.

Section 51 amends s. 112.061, F.S. to provide that a Lieutenant Governor who permanently resides outside of Leon County may, if he or she so requests, have an appropriate facility in his or her county of residence designated as his or her official headquarters. The Lieutenant Governor may not use state funds to lease a facility to establish an official headquarters. A Lieutenant Governor for whom an official headquarters is designated in his or her county of residence will be eligible for subsistence allowance at a rate established by the Governor for each day or partial day that the Lieutenant Governor is at the state capitol to conduct official state business. In addition to a subsistence allowance, the Lieutenant Governor may be reimbursed for transportation expenses for travel between his or her official headquarters and the state capitol to conduct official state business.

Section 52 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any "five percent" budget transfers. For the 2019-2020 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority and is not contrary to legislative policy and intent.

Section 53 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the General Appropriations Act or by the Legislative Budget Commission.

Section 54 amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 55 maintains legislative salaries at the July 1, 2010, level.

Section 56 amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2019-2020 General Appropriations Act.

Section 57 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

Section 58 provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 59 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed 150 dollars per day. An employee may expend his or her own funds for any lodging expenses in excess of 150 dollars. A "meeting" for purposes of the section does not include travel activities for conducting an audit, examination, inspection or investigation or travel activities related to litigation or emergency response.

Section 60 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 61 provides that the Department of Management Services shall maintain the state employee health insurance premium configuration in effect for the 2019-2020 fiscal year.

Section 62 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 63 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 64 provides a severability clause.

Section 65 provides an effective date.

B. SECTION DIRECTORY:

See Effect of Proposed Changes section.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Because this bill implements provisions of the proposed House of Representatives General Appropriations Act for Fiscal Year 2019-2020, there are no direct fiscal impacts created by the bill.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES